

2003 DRAFTING REQUEST**Bill**Received: **09/25/2002**Received By: **mdsida**Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**By/Representing: **Tim**This file may be shown to any legislator: **NO**Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - jails**Extra Copies: **rpn**Submit via email: **YES**Requester's email: **Rep.Friske@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Jail prisoner classification

Instructions:

Redraft 2001 LRB-4011

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|--------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | mdsida 09/27/2002 | jdye 10/15/2002 | | | | | Local |
| /1 | | | pgreensl 10/16/2002 | | lkunkel 10/16/2002 | mbarman 10/17/2002 | |

10/17/2002 10:03:59 AM

Page 2

FE Sent For:

Attn

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| /? | mdsida 09/27/2002 | jdyer 10/15/2002 | | | | | Local |
| /1 | | | pgreensl 10/16/2002 | | lkunkel 10/16/2002 | | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
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FE Sent For:

1 10/14 Jd 17/14 18/14
p8 <END> p8 1B

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: mgd) (Date: 6 / 26 / 03)



☐ Please transfer the drafting file for

2001 LRB - 4011 to the drafting file

for 2003 LRB -0247 (AB 324)

☒ The final version of the 2001 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

☒ For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

☐ Please copy the drafting file for

2003 LRB / (include the version) and place it in the

drafting file for 2003 LRB

☒ For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☒ The original drafting file will then returned, intact, to it's folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

3
2004 BILL

Regen

- 1 AN ACT *to repeal* 302.36 (1g) and 302.36 (1r); *to renumber and amend* 302.36
 2 (1) and 302.36 (2); *to amend* 302.36 (title), 302.36 (title) and 302.36 (3); and *to*
 3 *create* 302.36 (1g) and 302.36 (3) of the statutes; **relating to:** classification of
 4 jail prisoners for determining prisoner housing assignments, the type of
 5 prisoner supervision, and the delivery of services and programs to prisoners. ✓

Analysis by the Legislative Reference Bureau

Under current law, a county jail must keep certain prisoners separate from other prisoners. Prisoners who have not been convicted must be kept separate from prisoners who have been convicted, prisoners who are mentally ill must be kept separate from prisoners who are not mentally ill, and prisoners of different sexes must be kept separate. However, a sheriff, jailer, or keeper of the jail may permit prisoners of different sexes to dine together or to participate together in treatment or in educational, vocational, religious, or athletic activities, if the prisoners are under such supervision that the sheriff, jailer, or keeper of the jail considers necessary.

This bill provides county jails the option of segregating prisoners under current law or of establishing a prisoner classification system, which shall be used for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners. The prisoner classification system must be based on objective criteria, which include a prisoner's criminal offense record and gender, information relating to the current offense for which he or she is

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sentenced, the prisoner's history of behavior in jail, the prisoner's medical and mental health condition, and any other factor necessary to provide for the protection of prisoners, staff, and the general public.

Under the bill, the option of employing the segregation system set forth in current law expires on January 1, 2004. By that date, all jails must adopt a prisoner classification system meeting the requirements discussed above.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 302.36 (title) of the statutes is amended to read:

302.36 (title) Segregation and classification of prisoners.

SECTION 2. 302.36 (title) of the statutes, as affected by 2001 Wisconsin Act ... (this act), is amended to read:

302.36 (title) Segregation and classification Classification of prisoners.

SECTION 3. 302.36 (1) of the statutes is renumbered 302.36 (1r) (a) and amended to read:

302.36 (1r) (a) All jails using a prisoner segregation system shall be provided with suitable wards or buildings or cells in the case of jail extensions under s. 59.54 (14) (g) for the separation of criminals from noncriminals; persons of different sexes; and persons alleged to be mentally ill. All prisoners shall be kept segregated accordingly.

SECTION 4. 302.36 (1g) of the statutes is created to read:

302.36 (1g) The sheriff, jailer, or keeper of a jail shall segregate prisoners under sub. (1r) or establish a prisoner classification system under sub. (3).

SECTION 5. 302.36 (1g) of the statutes, as created by 2001 Wisconsin Act (this act), is repealed.

BILL

1 SECTION 6. 302.36 (1r) of the statutes, as affected by 2001 Wisconsin Act (this
2 act), is repealed.

3 SECTION 7. 302.36 (2) of the statutes is renumbered 302.36 (1r) (b) and
4 amended to read:

5 302.36 (1r) (b) Notwithstanding sub. (1), the par. (a), a sheriff, jailer, or keeper
6 segregating prisoners under this subsection may permit prisoners of different sexes
7 to participate together in treatment or in educational, vocational, religious, or
8 athletic activities or to eat together, under such supervision as the sheriff, jailer, or
9 keeper deems necessary.

10 SECTION 8. 302.36 (3) of the statutes is created to read:

11 302.36 (3) If adopted by the sheriff, jailer, or keeper of a jail, a prisoner
12 classification system shall be used to determine prisoner housing assignments, the
13 type of prisoner supervision, and the delivery of services and programs to prisoners.
14 The prisoner classification system shall be based on objective criteria, including a
15 prisoner's criminal offense record and gender, information relating to the current
16 offense for which the prisoner is in jail, the prisoner's history of behavior in jail, the
17 prisoner's medical and mental health condition, and any other factor the sheriff,
18 jailer, or keeper of a jail considers necessary to provide for the protection of prisoners,
19 staff, and the general public.

20 SECTION 9. 302.36 (3) of the statutes, as created by 2001 Wisconsin Act (this
21 act), is amended to read: renumbered 302.36 and (3)

22 302.36 (3) If adopted by the The sheriff, jailer, or keeper of a jail, shall establish
23 a prisoner classification system, which that shall be used to determine prisoner housing
24 assignments, the type of prisoner supervision, and the delivery of services and
25 programs to prisoners. The prisoner classification system shall be based on objective

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(from P. 23)

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1 criteria, including a prisoner's criminal offense record and gender, information
2 relating to the current offense for which the prisoner is in jail, the prisoner's history
3 of behavior in jail, the prisoner's medical and mental health condition, and any other
4 factor the sheriff, jailer, or keeper of a jail considers necessary to provide for the
5 protection of prisoners, staff, and the general public.

6 **SECTION 10. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) The ~~treatment of section 302.36 (title) (by SECTION 2) of the statutes, the~~
9 repeal of section 302.36 (1g) and (1r) of the statutes, and the amendment of section
10 302.36 (3) of the statutes take effect on January 1, 2004.

11 (END)

renumbering
and
amendment of

Barman, Mike

From: Gary, Tim
Sent: Thursday, October 17, 2002 8:49 AM
To: LRB.Legal
Subject: Draft review: LRB-0247/1 Topic: Jail prisoner classification

It has been requested by <Gary, Tim> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0247/1 Topic: Jail prisoner classification



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Added To File: 10/17/02 (Per md)



☐ The drafting file for **2001 LRB** _____ has been

transferred to the drafting file for **2003 LRB** _____

This cover sheet, the final request sheet, and the final version of the 2001 draft were copied on yellow paper, and returned to the original 2001 drafting file.

For research purposes, because the attached 2001 draft was incorporated into a new 2003 draft, this cover sheet and the complete drafting file was transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☐ The drafting file for **2003 LRB** 247 has been

copied/added to the drafting file for **2003 LRB** 504

For research purposes, because the attached 2003 draft was incorporated into another 2003 draft, the attached drafting file was copied on yellow paper (darkened/auto centered/reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

This cover sheet was copied on yellow paper and added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

LRB-0247/1

CCC

MGD

TO 2003 AB-324

#. Page 3, line 16: delete "2001" and substitute
"2003".

AD
P

JLD

ASSEMBLY BILL 324

1 302.36 (1r) (b) Notwithstanding ~~sub. (1), the par. (a),~~ a sheriff, jailer, or keeper
2 segregating prisoners under this subsection may permit prisoners of different sexes
3 to participate together in treatment or in educational, vocational, religious, or
4 athletic activities or to eat together, under such supervision as the sheriff, jailer, or
5 keeper deems necessary.

6 SECTION 7. 302.36 (3) of the statutes is created to read:

7 302.36 (3) If adopted by the sheriff, jailer, or keeper of a jail, a prisoner
8 classification system shall be used to determine prisoner housing assignments, the
9 type of prisoner supervision, and the delivery of services and programs to prisoners.
10 The prisoner classification system shall be based on objective criteria, including a
11 prisoner's criminal offense record and gender, information relating to the current
12 offense for which the prisoner is in jail, the prisoner's history of behavior in jail, the
13 prisoner's medical and mental health condition, and any other factor the sheriff,
14 jailer, or keeper of a jail considers necessary to provide for the protection of prisoners,
15 staff, and the general public.

CCC 16 SECTION 8. 302.36 (3) of the statutes, as created by 2002³ Wisconsin Act (this
17 act), is renumbered 302.36 and amended to read:

18 **302.36 Segregation and classification Classification of prisoners.** If
19 ~~adopted by the~~ The sheriff, jailer, or keeper of a jail, shall establish a prisoner
20 classification system that shall be used to determine prisoner housing assignments,
21 the type of prisoner supervision, and the delivery of services and programs to
22 prisoners. The prisoner classification system shall be based on objective criteria,
23 including a prisoner's criminal offense record and gender, information relating to the
24 current offense for which the prisoner is in jail, the prisoner's history of behavior in
25 jail, the prisoner's medical and mental health condition, and any other factor the



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

2003 ASSEMBLY BILL 324

Prepared by the Legislative Reference Bureau
(May 13, 2003)

1. Page 3, line 16: delete "2001" and substitute "2003".